

ORDINANCE NO. 2804 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF THE LEASEHOLD INTEREST WITHIN THE ARENA LEASE AND MANAGEMENT AGREEMENT WITH ARIZONA HOCKEY ARENA PARTNERS, LLC AND ARIZONA HOCKEY PARTNERS, LLC; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That it is deemed in the best interest of the City of Glendale and the citizens thereof to grant a leasehold interest within the Arena Lease and Management Agreement with Arizona Hockey Arena Partners, LLC and Arizona Hockey Partners, LLC. The agreement, in substantial final form, is now on file in the office of the City Clerk of the City of Glendale to the Exclusive Team Space, which is defined in § 1.1 of the Arena Lease and Management Agreement as “the portions of the Arena Facility designed and constructed for the exclusive use by the Team Owner, including the team locker room (the space in the Arena Facility designed and constructed for the exclusive use by the Team Owner as a home team locker room, including dressing, locker, shower, lounge, training, exercise and video coaching areas), the Team Owner’s office, the Team’s storage areas, and the Team Retail Stores.”

SECTION 2. That the City Manager and the City Clerk are hereby authorized and directed to execute and deliver said agreement and any ancillary documents or agreements and to do all such acts required to implement the purpose and intent of the leasehold interest therein on behalf of the City of Glendale, and to approve the substantial final form of the leasehold interest consistent with the forms now on file and the understanding of the parties, such approval to be evidenced by execution of such documents by the City Manager and the City Clerk.

SECTION 3. That the City and its residents will benefit from the management, use, and lease of the Arena under Arena Lease and Management Agreement, including the leasehold interest, by assuring a substantial, regular, and continuing utilization of the Arena, providing additional employment opportunities within the City, increasing the City’s tax base, and stimulating additional development on properties in the vicinity of the Arena Facility; and, therefore, this Council finds that the Arena Lease and Management Agreement provides a substantial public benefit.

SECTION 4. That, upon execution of the agreement, the City Clerk is hereby directed to forward a memorandum of agreement for recording to the Maricopa County Recorder’s Office.

SECTION 5. Neither the members of the City Council of the City of Glendale nor any officer, employee or agent of the City shall be subject to any personal liability or accountability by reason of the execution of the agreement.

SECTION 6. Notice of A.R.S. § 38-511 is hereby given.

SECTION 7. Emergency Clause.

Whereas, the approval of the agreement will benefit the City of Glendale and its residents by protecting current public and private investment, encouraging incremental investment, and continuing to enhance the positive image of Glendale to residents and tourists.

Now, therefore, it is hereby determined by the Council of the City of Glendale that the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, and safety of the City of Glendale, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor and Council of the City of Glendale.


PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 8th day of June, 2012.


MAYOR

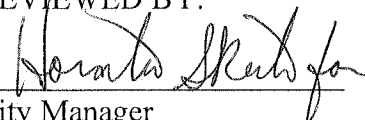
ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:


City Manager

Acting